

THE HONORABLE THOMAS S. ZILLY

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

HARMONY GOLD U.S.A., INC.,

Plaintiff,

v.

PIRANHA GAMES INC., INMEDIARES
PRODUCTIONS, LLC, and DOES 1–10
Defendants.

CASE NO. 2:17-cv-00327-TSZ

**SUPPLEMENTAL DECLARATION
OF CHRISTY DURAN IN SUPPORT
OF HARMONY GOLD U.S.A., INC.’S
OPPOSITION TO MOTION FOR
SUMMARY JUDGMENT**

**NOTE ON MOTION CALENDAR:
APRIL 20, 2018**

I, Christy Duran, declare as follows:

1. I am an attorney currently employed as in-house counsel at Harmony Gold, U.S.A., Inc. (“Harmony Gold”). I am a member in good standing with the State Bar of California, and I am admitted to practice law in the State of California. I am over eighteen years of age, and am competent to testify herein. I make this declaration in support of Harmony Gold’s opposition to defendants’ motion for summary judgment. The facts set forth below are based on my personal knowledge, including knowledge gained through my review of and familiarity with files and documents in this matter and in my role as in-house counsel at

1 Harmony Gold, in which I regularly rely on and interact with Harmony Gold's legal documents.

2 If called as a witness, I could and would competently and truthfully testify to these matters.

3 2. In 2008, Tatsunoko licensed to Harmony Gold all merchandising rights, excluding
4 game rights, to the movie "Super Dimension Fortress – MACROSS Do You Remember Love?"
5 (the "Macross Movie"). Attached hereto as **Exhibit A** is a true and correct copy of the 2008
6 Licensing Agreement between Tatsunoko and Harmony Gold for the merchandising rights in the
7 Macross Movie.

8 3. The rights Harmony Gold seeks to enforce in this action are based on the visual
9 depiction of seven characters in the "Macross" television series, not the Macross Movie. While
10 some of the characters from the "Macross" television series appear (with modified images) in the
11 Macross Movie, others—including at least two of the characters alleged to be infringed by
12 Piranha Games (Destroid Spartan and Glaug)—appear only in the television series.

13 I declare under penalty of perjury under the laws of the State of Washington that the
14 foregoing is true and correct.

15 Signed this 25th day of April, 2018, at Panama City Beach, Florida.

16
17 By: _____

Christy Duran

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on April 25, 2018, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the CM/ECF participants.

DATED this 25th day of April, 2018.

s/ Erica Knerr

Erica Knerr